

Decision No. 25313.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PETER YUNCA,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
a corporation,

Defendant.

ORIGINAL

Case No. 3312.

BY THE COMMISSION:

O P I N I O N

By complaint filed August 9, 1932, it is alleged that the charges assessed and collected on five double-deck cars of sheep transported from Redding to Mott during May, 1931, there fed in transit and on October 5 re-shipped from Mott to Red Bluff were unjust and unreasonable in violation of Section 13 of the Public Utilities Act.

Reparation only is sought. Rates are stated in dollars and cents per double-deck car.

Redding, Mott and Red Bluff are on the main line of the Southern Pacific Company, 47 miles, 120 miles and 12 miles respectively north of Tehama. Charges were assessed and collected on complainant's shipments on basis of rates of \$43.00 for the movement from Redding to Mott and \$50.00 from Mott to Red Bluff, or a total of \$93.00. At the time these shipments moved defendant in its Tariff 645-D, C.R.C. 3118, maintained a rate of \$73.00 plus a transit charge of \$5.85 for transportation of feeder sheep from Red Bluff

to Mott and return. Complainant alleges that the charges collected were unreasonable to the extent they exceeded those contemporaneously maintained from Red Bluff to Mott and return.

Defendant admits the allegations of the complaint and has signified its willingness to make a reparation adjustment, therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record we are of the opinion and find that the rate assessed and collected on complainant's shipments was unjust and unreasonable to the extent it exceeded \$73.00 plus a transit charge of \$5.85; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation without interest. Complainant specifically waived the payment of interest.

O R D E R

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that defendant Southern Pacific Company be and it is hereby authorized and directed to refund without interest to complainant, Peter Yunca, all charges collected in excess of \$73.00 plus a transit charge of \$5.85 per double-deck car for the transportation from Redding to Mott and from Mott to Red Bluff of the shipments of sheep involved in this proceeding.

Dated at San Francisco, California, this 31st day of October, 1932.

C. L. Lewis
Leon Whidell
W. A. C.
W. B. Hayes
Fred G. Stewart
Commissioners.